FILED
FEB 25 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. Jesus PUCHETA-Cruz, Defendant.	Mag. Case No. '08 MJ 8164 COMPLAINT FOR VIOLATION OF Title 8, U.S.C., Section 1326 Deported Alien Found In the United States

The undersigned complainant being duly sworn states:

On or about February 23, 2008, within the Southern District of California, defendant Jesus PUCHETA-Cruz, an alien, who previously had been excluded, deported or removed from the United States to Mexico was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States code, section 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Senior Border Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 25th DAY OF FEBRUARY 2008.

PETER C. LEWIS
U.S. MAGISTRATE JUDGE

PROSECUTIONS

I, Senior Border Patrol Agent Michael Mikuski declare under penalty of Perjury, the following is true and correct:

PROBABLE CAUSE STATEMENT

STATEMENT OF FACTS

The complainant states that this complaint is based upon the statements of the reporting Border Patrol Agent, that the Defendant, Jesus PUCHETA-Cruz was found and arrested on February 23, 2008, west of the Calexico, California west Port of Entry.

At approximately 12:10 AM Agent J. Salazar observed a group of individuals make an illegal entry into the United States by crossing the International Boundary with Mexico. The group come north up the New River which crosses into the United States from Mexico. The Calexico Border Patrol Stations Remote Video Surveillance (RVSS) was observing this group too. The RVSS operator directed Agent Salazar to where the group was last seen; Agent Salazar followed some wet foot prints to the nearby buildings. Agent Salazar encountered three individuals in the building. Agent Salazar identified himself and questioned the individuals. It was determined they are citizens of Mexico illegally in the United States. The group was transported to the Calexico, California Border Patrol Station for further processing.

At the Station all subjects photos, fingerprints and biographical data were entered into the IDENT/IAFIS/ENFORCE systems. One individual identified as Jesus PUCHETA-Cruz was found to have been previously deported from the United States on ~~9/14/04~~ 11-27-07 M.M.. Further records checks of PUCHETA revealed he has an extensive criminal history.

PCL

Agent E. Switzer witnessed Agent F. Salcedo read PUCHETA his rights per Miranda. There is no evidence PUCHETA ever applied or asked for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security to reenter the United States.

Executed on 2/23/08 at 4:10PM.

Michael Mikuski
Senior Border Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page, I find probable cause to believe the defendant named in this probable cause statement committed the offense on 2/23/08 in violation of Title 8, United States Code 1326.

Honorable Nita L. Stormes
United States Magistrate Judge

2-23-08 @ 4:30PM
Date/Time